

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

D.K., C.K., and D.J.K.,

Plaintiffs,

vs.

SEATTLE PUBLIC SCHOOLS,

Defendant.

Case No.: 20-cv-00367-TSZ

ORDER

REDACTED

Plaintiffs' unopposed motion, docket no. 18, for approval of minor settlement, is GRANTED, and it is hereby ORDERED:

1. The proposed settlement of \$400,000 to settle the claims of plaintiffs D.K., C.K, and D.J.K., the latter of whom is a minor, is approved;
2. D.K. and C.K., the parents of D.J.K., are authorized to execute a release of D.J.K.'s claim or claims against defendant Seattle Public Schools;
3. The award to plaintiffs' counsel of thirty-three percent (33%) of the settlement fund or \$133,333 as attorney's fees is reasonable and approved;
4. Plaintiffs' counsel's request for costs in the amount of \$12,750 is reasonable and approved;

5. Pursuant to the parties' agreement, the Settlement Guardian ad Litem's fees and costs in the amount of \$6,258.50 shall be paid by defendant Seattle Public Schools or its insurer;

6. The settlement funds shall be disbursed as follows:

Attorney's fees payable to Cedar Law PLLC	\$133,333
Costs to be reimbursed to Cedar Law PLLC	\$12,750
Net proceeds to be made payable to C.K.	\$25,392
Net proceeds to be made payable to D.K.	\$25,392
Net proceeds to be placed in a custodial account for D.J.K	\$15,000
Net proceeds to be placed into an account with Pooled Alliance Community Trusts (PACT) for purposes of a pooled basic support and maintenance (BSM) trust	\$188,133

7. D.J.K.'s custodial account (a.k.a. the "Happiness Fund") shall be managed by D.J.K.'s parents;

8. The Brain Injury Alliance of Washington (BIAWA) shall serve as Trustee for D.J.K.'s account with PACT and the related BSM trust, which shall automatically terminate when D.J.K. reaches the age of 18 on [REDACTED];

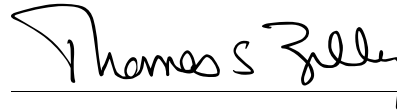
9. C.K. and D.K. shall obtain Receipts of Deposit of Funds into the custodial and trust accounts and shall open a trust reporting matter with King County Superior Court and file each Receipt in that matter;

10. One year from the date of this order, C.K. and D.K. shall submit a report to the King County Superior Court, including (i) a general description of the use (and possible depletion) of the "Happiness Fund," and (ii) an accounting regarding the settlement funds deposited with PACT;

- 1 11. On or before July 11, 2023, C.K. and D.K. shall submit a report to the King County
2 Superior Court, covering the period through May 1, 2023, which shall include a plan for
3 the use of the remaining funds upon termination of the PACT BSM;
- 4 12. Christopher M. Henderson and Brothers & Henderson, P.S. are authorized to represent
5 C.K. and D.K. in future state court proceedings, provided that C.K., D.K., and BIAWA
6 each give informed consent to the representation, to be confirmed in writing;
- 7 13. The Settlement Guardian ad Litem is discharged from all duties and obligations in
8 connection with his appointment in this matter;
- 9 14. This Order, which discloses the date of birth of plaintiff D.J.K., shall be filed under seal;
10 a redacted version will be filed in the public docket;
- 11 15. Plaintiffs' motions for appointment of Settlement Guardian ad Litem and for approval of
12 minor settlement, docket nos. 14 and 18, as well as the Settlement Guardian ad Litem's
13 Report, docket no. 16, have been sealed by the Court because they contain the full date of
14 birth of plaintiff D.J.K., and plaintiffs' counsel is DIRECTED to file, within seven (7)
15 days of the date of this Order, redacted versions of those documents in the public docket;
- 16 16. The parties having reached a settlement in principle, which has been approved by the Court
17 pursuant to Local Civil Rule 17(c), and the parties having identified no issue remaining
18 for the Court's determination, this case is hereby DISMISSED with prejudice, provided
19 that, in the event the proposed settlement is not perfected, any party may move, within
20 sixty (60) days of the date of this Order, to reopen the matter and trial will be scheduled;
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1 17. The Clerk is directed to send copies of this Order to all counsel of record and to CLOSE
2 this case.

3 DATED this 2nd day of February, 2021.
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7 Thomas S. Zilly
8 United States District Judge
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